REMARKS

This communication is in response to the Office Action of April 4, 2007. Claims 1, 13, 27, 29, 31, 34 and 35 are rejected and Claims 2-12, 14-26, 28, 32-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Selected claims (e.g., claims 1, 30, 31 and 34) are amended to correct for minor errors (e.g., antecedent basis) and clarify terminology. No new matter is introduced in the claims, the scope of the amended claims in unchanged and new examination is not required.

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Claims 1, 13, 27, 29, 31, 34 and 35 are rejected under 35 USC 102(e) as being anticipated by Heidari-Bateni et al. (U.S. 6,618,434).

The Examiner's arguments regarding 35 U.S.C. 102(e) rejection are analyzed below based on MPEP guidelines which are stated in the MPEP Paragraph 2131 as follows:
"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Further, "the identical invention must be shown in as complete details as is contained in the . . . claim", *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), MPEP 2131.

Regarding independent claim 1, the Examiner's arguments are

inaccurate and need further clarification in order to distinguish the present invention from the reference of Heidari-Bateni et al. The applicant is of opinion that the subject matter of Heidari-Bateni et al. has nothing to do with claim 1 of the present invention.

First, claim 1 of the present invention discloses a multimode spread spectrum receiver comprising an antenna, responsive to a radio frequency signal containing **at least two types of code division multiple access signals.** The Examiner states that Heidari-Bateni et al. disclose said **at least two types of code division multiple access signals** received by an antenna but does not provide a proof. The subject matter of Heidari-Bateni et al. is related to a new rake receiver for dynamic search and multipath reception methods in general and does not specifically talk, mention or even hint about two different types of CDMA signals received by the antenna as recited in claim 1 of the present invention quoted above.

Similarly, the second step (generating a digital signal) of claim 1 of the present invention may not be disclosed by Heidari-Bateni et al. because the processor of Heidari-Bateni et al. may not be set up for processing the two types of code division multiple access signals recited in claim 1 of the present invention (nothing is indicated by Heidari-Bateni et al. on the contrary).

Furthermore, claim 1 of the present invention discloses that a multimode spread spectrum receiver comprises at least one multimode receiving channel block, responsive to the digital signal and **configured to select, based on a predetermined selection criteria, one of at least two types of coding corresponding to one of said at least two types code division multiple access signals** and utilizing said coding for further

processing of said digital signal by said at least one multimode receiving block using a shared circuitry operation. Heidari-Bateni et al. does not disclose said **selecting, based on a predetermined selection criteria, one of at least two types of coding corresponding to one of said at least two types code division multiple access signals**, as recited in claim 1 of the present invention quoted above. The Examiner alleges that two modes of operation disclosed in claim 10 of Heidari-Bateni et al. (col.21, lines 27-39) and corresponding specification description of Heidari-Bateni et al. (e.g., see ABSTRACT, Figures 1-3 and corresponding text) discloses the above limitation. This is not correct. Heidari-Bateni et al. talks about two functions for searching path reception which is the subject matter of the Heidari-Bateni et al.'s invention and has nothing to do with selecting (i.e., switching between) different types of coding corresponding to two types code division multiple access signals, recited in claim 1 of the present invention, as quoted above.

Thus, the present invention recited in claim 1 **is not shown in as complete details** by Heidari-Bateni et al. as required by MPEP 2131 as quoted above, and based on the above arguments, claim 1 is not anticipated under 35 U.S.C. 102(e) by Heidari-Bateni et al.

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Claims 13, 27, 30, 31 and 34 are independent claims, which are similar in scope to claim 1 of the present invention. Therefore, above arguments regarding novelty of independent claim 1 are fully applied to claims 13, 27, 30, 31 and 34 of the present invention. Therefore, claims 13, 27, 30, 31 and 34 are not anticipated under 35 U.S.C. 102(e) by Heidari-Bateni et al. as well.

Claims 27, 29, and 35 are dependent claims of independent claim 13 or 34. Since independent claim 13 or 34 are not anticipated by Heidari-Bateni et al. under 35 USC Section 102(e), as shown above, dependent claims 27, 29, and 35 referred to corresponding novel independent claim 13 and 34 are also novel, and, therefore, they are not anticipated by Heidari-Bateni et al under 35 USC 102(e).

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Claim 31 is rejected under 35 USC 103(a) as being unpatentable over by Heidari-Bateni et al. (U.S. 6,618,434).

The applicant does not understand how the Examiner applies 103 rejection to claim 31 without following MPEP guidelines, (e.g., see MPEP Section 2143) and the case law. But in any way, independent claim 31 has limitations not disclosed by Heidari-Bateni et al. (as discussed in regard to claim 1) and therefore is novel and non-obvious over Heidari-Bateni et al., contrary to what is alleged by the Examiner.

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The rejections of the Official Action of April 4, 2007, having been obviated or shown to be inapplicable, withdrawal thereof is requested, and passage of the claims to issue is solicited.

Respectfully submitted,

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